

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION
CRIMINAL MINUTES – SENTENCING HEARING**

Case No.: 3:18CR00025-001

Date: 7/19/2019

Defendant: Benjamin Drake Daley (Custody)

Counsel: Lisa Lorish, Fred Heblich (AFPD)

PRESENT: JUDGE: Norman K. Moon TIME IN COURT: 2:15-2:55=40 min
Deputy Clerk: Heidi N. Wheeler
Court Reporter: Sonia Ferris
U. S. Attorney: Thomas Cullen/Chris Kavanaugh
USPO: Sarah Goodwin/Tammy Wellborn
Case Agent: Dino Cappuzzo
Interpreter:

LIST OF WITNESSES

GOVERNMENT:

- 1.
- 2.
- 3.
- 4.

DEFENDANT:

- 1.
- 2.
- 3.
- 4.

PROCEEDINGS:

- Court inquires as to Objection(s) to Presentence Report made by USA Deft.
 Court overrules Objection(s) as to Criminal History. Court grants Objection(s) as to the Hate Crime, which shall not be applied.
- Government and Defendant present evidence at Morning hearing with all defendants present.
- Court adopts Presentence Report.
- Allocutions, none.

SENTENCE IMPOSED AS FOLLOWS:

CBOP: 37 months as to Count One

SR: Two years - comply w/Standard, Mandatory & Special Conditions.

SA: \$100.00 due immediately.

FINE: None

REST: \$____

- Court recommends as follows:
 - That Defendant be designated to Sheridan, Lompoc or Terminal Island as near his home in LA as possible..

SPECIAL CONDITIONS OF SUPERVISION (Check applicable conditions):

- The defendant shall participate in a program of testing and treatment for substance abuse, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.
- The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.
- The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms and illegal controlled substances.

- The defendant must submit to warrantless search and seizure of person and property by the probation officer or other law enforcement officer, whenever such officer has reasonable suspicion that the defendant is engaged in criminal activity.
- The defendant shall pay any fine, special assessment or restitution that is imposed by this judgment.
- The defendant shall not incur new credit charges or open additional lines of credit without the approval of the supervising officer.
- The defendant shall provide the probation officer with access to any requested financial information.

PAYMENT SCHEDULE:

- A lump sum payment of \$100.00 is due immediately.

ADDITIONAL RULINGS:

- Count(s) Two dismissed on Government Motion.
- Defendant advised of right to appeal.
- Defendant remanded to custody.

Additional Information:

Arguments heard. Government argues for high end of the guideline range or variance.

Court will deny the appeal bond.

Defense notes continuing objections for the record.